

IN THE UNITED STATES PATENT OFFICE

Inventor : Alexander G. SZYNALSKI
Serial No. : 09/427,447
Filing Date : 27 Oct. 1999
Title : Stop Smoking Method & Composition
Group Art : REISSUE - LITIGATION
Examiner :

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Commissioner of Patents
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Rule 178(b) Statement

This patent is currently subject to concurrent litigation in Federal District Court in Newark, New Jersey. Applicant respectfully requests that this reissue application be
20 processed pursuant to MANUAL OF PATENT EXAMINING PROCEDURE § 1442.02, because:
(A) the Federal Court litigation has been stayed until at least mid-October, to await the Office's response to this Reissue request; and (D) it is Applicant's desire that the application be examined at that time. Applicant respectfully requests that this reissue application be processed with dispatch because the Federal Court litigation has been
25 stayed to await the Office's response to this Reissue request. See MANUAL OF PATENT EXAMINING PROCEDURE § 1442.03 ("all issues not deferred will be treated and responded to *immediately*. Furthermore, reissue applications involved in 'stayed litigation' will be taken up for action in advance of other reissue applications. Great emphasis is placed on the expedited processing of such reissue applications. The
30 courts are especially interested in expedited processing in the Office where litigation is stayed.").

This patent is also currently subject to a Request for Reexamination. That Request has not yet been acted upon. The Reexamination has certain shortcomings, however, as it (1) cannot address the new reissue claims applied for, and (2) might not address certain on-sale and public use evidence at issue. Therefore, if the reexamination request is granted, Applicant respectfully requests the Office consider either merging the reexamination into this reissue proceeding or suspending it, as allowed by 37 C.F.R. § 1.565(d). See MANUAL OF PATENT EXAMINING PROCEDURE § 1449.01.

This application is related to currently-pending application Serial No. 10/023,254, Art Unit 3712, Examiner Kurt FERNSTROM, Esq. The '254 application addresses a factual background largely the same as that of the immediate Reissue Application. The Office may therefore find it productive to assure that this Reissue Application and the pending '254 application are treated similarly by the Examiner(s).

Respectfully submitted,



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